

Revised 03/06 WDNV

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

FORM TO BE USED IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983  
(Prisoner Complaint Form)

0745

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

**1. CAPTION OF ACTION**

**A. Full Name And Prisoner Number of Plaintiff:** NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application and a signed Authorization on the only plaintiff to be considered will be the plaintiff who filed an application and Authorization.

1. LEONARD RANDOLPH  
2. \_\_\_\_\_

-VS-

**B. Full Name(s) of Defendant(s)** NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. If you have more than six defendants, you may continue this section on another sheet of paper if you indicate below that you have done so.

1. THOMAS R. GRIFFIN 4. JAMIE M. ROBINSON  
2. THOMAS E. HANNAH 5. CHARLES M. SULLIVAN  
3. MICHAEL V. ROBYCK 6. JOSHUA B. BRENNER

CONTINUE NEXT PAGE, SEE APPENDIX A, (10f2)

**2. STATEMENT OF JURISDICTION**

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.

**3. PARTIES TO THIS ACTION**

**PLAINTIFF'S INFORMATION** NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name and Prisoner Number of Plaintiff: LEONARD RANDOLPH, # 93 A8824  
Present Place of Confinement & Address: SOUTHPORT CORRECTIONAL FACILITY  
P.O. BOX 2000, PINE CITY, N.Y. 14871

Name and Prisoner Number of Plaintiff: \_\_\_\_\_  
Present Place of Confinement & Address: \_\_\_\_\_

N/A

Appendix A, (2 of 2)

7. Donald C. McIntosh
8. William F. Kelly
9. Jeremy M. Clement
10. Sabrina A. Vondra

**DEFENDANT'S INFORMATION NOTE:** To provide information about more defendants than there is room for here, use this format on another sheet of paper.

Name of Defendant: THOMAS R. GRIFFEN

(If applicable) Official Position of Defendant: SUPERINTENDENT

(If applicable) Defendant is Sued in ☒ Individual and/or ☒ Official Capacity

Address of Defendant: SOUTHPORT CORRECTIONAL FACILITY

Name of Defendant: THOMAS B. HANNAN

(If applicable) Official Position of Defendant: CORRECTIONAL SERGEANT

(If applicable) Defendant is Sued in ☒ Individual and/or ☒ Official Capacity

Address of Defendant: SOUTHPORT CORRECTIONAL FACILITY

P.O. Box 2000, PENE CITY, N.Y. 14871

Name of Defendant: MICHAEL J. ROBYCK

(If applicable) Official Position of Defendant: COLLECTION OFFICER

(If applicable) Defendant is Sued in ☒ Individual and/or ☒ Official Capacity

Address of Defendant: SOUTHPORT CORRECTIONAL FACILITY

P.O. Box 2000, PENE CITY, N.Y. 14871

CONTINUE NEXT PAGE, APPENDIX B, (1 OF 3)

#### 4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

- A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?  
Yes ☐ No ☒

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): \_\_\_\_\_

Defendant(s): N/A

2. Court (if federal court, name the district; if state court, name the county): N/A

3. Docket or Index Number: N/A

4. Name of Judge to whom case was assigned: \_\_\_\_\_

Defendants InformationAppendix B,page 2 of 3

Name of Defendant: Jamie M. Robinson  
Official position of Defendant: Correction Officer  
Defendant is Sued x Individual and/or x Official Capacity  
Address of Defendant: Southport Correctional Facility  
P.O. Box 2000, Pine City, N.Y. 14871

Name of Defendant: Charles M. Sullivan  
Official position of Defendant: Correction Officer  
Defendant is Sued x Individual and/or x Official Capacity  
Address of Defendant: Southport Correctional Facility  
P.O. Box 2000, Pine City, N.Y. 14871

Name of Defendant: Joshua C. Brimmer  
Official position of Defendant: Correction Officer  
Defendant is Sued x Individual and/or x Official Capacity  
Address of Defendant: Southport Correctional Facility  
P.O. Box 2000, Pine City, N.Y. 14871

Name of Defendant: Donald C. McIntosh  
Official position of Defendant: Correctional Officer  
Defendant is Sued x Individual and/or x Official Capacity  
Address of Defendant: Southport Correctional Facility  
P.O. Box 2000, Pine City, N.Y. 14871

DEFENDANT'S INFORMATION

Name of Defendant: William F. Skelly  
Official position of Defendant: Corrections Officer  
Defendant is Sued in X Individual and/or X Official Capacity  
Address of Defendant: Southport Correctional Facility  
P.O. Box 2000, Pine City, N.Y. 14871

Name of Defendant: Jeremy M. Clement  
Official position of Defendant: Registered Nurse II  
Defendant is Sued in X Individual and/or X Official Capacity  
Address of Defendant: Southport Correctional Facility  
P.O. Box 2000, Pine City, N.Y. 14871

Name of Defendant: Sabrina A. VanDyke  
Official position of Defendant: I & P Supervisor  
Defendant is Sued in X Individual and/or X Official Capacity  
Address of Defendant: Southport Correctional Facility  
P.O. Box 2000, Pine City, N.Y. 14871

A. FIRST CLAIM: On (date of the incident) JANUARY 17, 2012

defendant (give the name and position held of each defendant involved in this incident) C.O. MICHAEL ROBLYCK,  
C.O. JAMIE ROBINSON, C.O. CHARLES SULLIVAN, C.O. TOSHUA  
BRIMMER, C.O. DONALD MCINTOSH, C.O. WILLIAM SKELLY.

did the following to me (briefly state what each defendant named above did): PLAINTIFF WAS ASSAULTED  
by officer's Roblyck, Robinson, Sullivan, Brimmer, McIntosh and Skelly.  
While handcuffed Roblyck grabbed Plaintiff in collar, pushed him further in  
cell, punched Plaintiff in left side of face. Robinson kicked Plaintiff and  
threw punches, striking Plaintiff in face and body. During the  
course of event, these specific officer's: McIntosh, Skelly,  
Sullivan, and Brimmer entered cell location A-3-20

CONTINUE NEXT PAGE, APPENDIX C, (1 of 2)

The constitutional basis for this claim under 42 U.S.C. § 1983 is: VIOLATION OF 8th and 14th Const. Amend.  
Right to be free from EXCESSIVE FORCE AND CRUEL, UNUSUAL PUNISHMENT.

The relief I am seeking for this claim is (briefly state the relief sought): PLAINTIFF SEEK \$25,000  
COMPENSATORY DAMAGES, AND \$20,000 PUNITIVE DAMAGE FOR VIOLATION  
OF PLAINTIFF CONSTITUTIONAL RIGHTS.

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? ☒ Yes ☐ No If yes, what was the result? GRIEVANCE No.:  
SPT-53024-12 PASSED THROUGH TO SUPERINTENDENT AS CODE 49 COMPLAINT.

Did you appeal that decision? ☒ Yes ☐ No If yes, what was the result? DENIED BY SPT.  
GRIFFIN AS HAVING NO EVIDENCE, UNSUPPORTED AND BASELESS.

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: "YES," BUT NO RESPONSE DUE  
TO OBSTRUCTION OF GRIEVANCE APPEAL PROCESS BY IGP SUPERVISOR. SEE,  
EXHIBIT-F, CARBON COPY OF APPEAL TO CORC DATED 2/20/12 ATTACHED.

A. SECOND CLAIM: On (date of the incident) JANUARY 17, 2012

defendant (give the name and position held of each defendant involved in this incident) THOMAS HANNAH,  
CORRECTIONAL SERGEANT, RESPONSIBLE FOR SUPERVISION OF  
SUBORDINATE OFFICER'S MENTIONED IN FIRST CLAIM.



Appendix C, 2 of 2A. FIRST CLAIM CONTINUATION:

and inflicted blows upon plaintiff as the assault was taken place. plaintiff was on top of the bed, trying to secure himself underneath, in order to minimize the inflictions of pain, when heard a voice from the back of the cell said, "That's Enough!"

plaintiff left jaw was severely swollen to the point where it was difficult to chew food for nearly a month. upon the swelling going down, plaintiff till today's date of this complaint, still hear a cracking sound in his jaw bone which feels displaced. This assault on plaintiff occurred when he signed up/requested for one hour out of door exercise. On January 18, 2012, plaintiff received a shield misbehavior report.

Use of force and Medical reports, including Ambulatory Health Record progress notes dated 1/18/12, 1/20/12, 1/24/12 Filed.

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did the following to me (briefly state what each defendant named above did): Sergeant T. Hannah  
observed the beating of Plaintiff with deliberate indifference,  
only stopping the assault after several minutes of his  
subordinate's assaulting Plaintiff in the cell with batons,  
punching and kicking Plaintiff while the Plaintiff was handcuffed.  
Plaintiff suffered swollen, bruise left side of face, swollen ankle and  
lower right side back and waist injuries. Plaintiff was  
repeatedly strucked ... CONTINUE NEXT PAGE, Appendix D, (10/2)

The constitutional basis for this claim under 42 U.S.C. § 1983 is: Violation of 8th and 14th Const. Amend.  
Right to be free from excessive force and cruel, unusual punishment.

The relief I am seeking for this claim is (briefly state the relief sought): Plaintiff seeks \$25,000  
compensatory damage, and \$20,000 punitive damage for  
violation of Plaintiff's constitutional rights.

#### Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? ☒ Yes ☐ No If yes, what was the result? GRIEVANCE No.:  
SPT-53024-12 passed through to Superintendent as Code 49 Complaint

Did you appeal that decision? ☒ Yes ☐ No If yes, what was the result? DENIED by SPT.  
GRIFFIN AS HAVING NO EVIDENCE, UNSUPPORTED AND BASELESS.

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: "Yes," but no response due  
to obstruction of grievance appeal process by IEP Supervisor. See,  
Exhibit-F, Carbon copy of appeal to LORC dated 2/20/12 attached.

If you have additional claims, use the above format and set them out on additional sheets of paper.

#### 6. RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

Defendant's conduct under color of State law, violated Plaintiff's  
Constitutional Safeguard Rights, subjected him to suffer deprivation  
of his Constitutional Rights, and is entitled to compensatory and  
punitive damages pursuant to 42 U.S.C § 1983.

Do you want a jury trial? Yes ☒ No ☐



A. Second CLAIM CONTINUATION

On the back and lower right side with baton.  
As a result plaintiff have back spasm which could come on at any time, which impare him from movements as a normal person would.

As a result of these injuries described in first and second claim(s), together with the third claim as described, plaintiff have suffered deprivation of his Constitutional rights and is entitled to damages, both compensations and punitive.

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A. Third Claim: On (date of the incident) January 17, 2012 defendant (give the NAME AND POSITION HELD OF EACH DEFENDANT involved in this incident) Thomas Griffin, Superintendent.

did the following to me (briefly state what each defendant name above did): Thomas Griffin and Executive Team entered A Block at 9:51 am, in the vicinity of the incident. Thomas Griffin stopped briefly to engaged in conversation with Sgt. T. HANNIN, then made a tour on A1 and A2 Galleries.

Plaintiff attempted "several" times to grasp Griffin's Attention while secured inside shower area. But having constructive knowledge of the incident, avoided touring A3 and A4 Galleries, and proceeded out the block.

The constitutional basis for this claim under 42 U.S.C § 1983 is:

Superintendent Thomas Griffin's "dereliction of duty" to manage a safe environment and/or secure plaintiff due process or equal protection of the law, lead to failure to protect against unnecessary excessive physical force, and that Griffin is the Chief Administrative Officer, responsible for all operations and management of Southport Correctional Facility, and the conduct of all staff personnel, including the subordinates'

CONTINUES NEXT PAGE, APPENDIX E, (1 of 2)

Appendix E, (2 of 2)A. THIRD CLAIM CONTINUATION

to this action as well as the care, custody, control, and treatment of plaintiff under his immediate jurisdiction.

The relief I am seeking for this claim is: \$25,000 compensatory damage, and \$20,000 punitive damages from the defendant.

Exhaustion of Your Administrative Remedies for this claim: plaintiff filed a grievance. Grievance was Code 49, which must be sent directly to the Superintendent from IGRC. T. Griffin, Supt., denied grievance as having no evidence, unsupported and baseless. Grievance #SPT-53024-12 was appealed. plaintiff received no response from CORC. See, Exhibit-F, Carbon Copy of Appeal dated 2/20/12 Attached.

A. Fourth Claim: On (date of the incident) January 17, 2012 defendant (give the name and position held of each defendant involved this incident) J. Clement, Registered Nurse. did the following to me (briefly state what each defendant name above did): J. Clement responded to a "use of Excessive Force". Nurse Clement failed to document all plaintiff's injuries, and attempted to cover up the force actually used, in order to reduce the force as well as intentional denial of medical treatment for over seven days remained in pain, at which point treatment is by a different nurse.

CONTINUE NEXT PAGE, Appendix F, (1 of 2)

A. FOURTH CLAIM CONTINUATION:

the constitutional basis for this claim under 42 USC 1983 is:

Deliberate Indifference to plaintiff's health by failing to provide medical treatment following assault on his person by defendants so mentioned, in violation of plaintiff's 8th and 14th Const. Amend. Right prohibition of Cruel and unusual punishment.

The relief I am seeking for this claim is: \$25,000 Compensatory damage, and \$20,000 punitive damages.

Exhaustion of Your Administrative Remedies for this claim:

Grievance #SPT-53024-12 Denied by Superintendent as having no evidence, unsupported, and baseless. It was a Code 49 grievance which must be sent directly to the Superintendent by SGRC. Plaintiff appealed to CLRC, but no response due to Obstruction of Grievance appeal process by ~~SGRC~~ Supervisor. See, Exhibit F. Carbon Copy of Appeal to CLRC 2/29/12 Attached.

A. FIFTH CLAIM: On (date of the incident) February 21, 2012 defendant (give the NAME AND POSITION HELD OF EACH DEFENDANT involved in this incident) Sabrina VanHagen, IGP Supervisor did the following to me (briefly state what each defendant name above did): #1. On January 20, 2012 plaintiff wrote grievance complaint about defendant's assaulting him in a malicious and sadistical manner while in handcuff restraints upon going to the morning exercise from his assigned housing cell A-3-20

#2 On February 20, 2012 plaintiff written out his Appeal Statement to CLRC in connection with Superintendent's response to grievance #SPT-53024-12 "Alleges Harassment." Appeal Statement forwarded back to IGP Supervisor 2/21/12

#3 In a deliberate and calculated effort to protect the defendant's from civil and criminal liability for having maliciously and sadistically assaulted plaintiff while in handcuff restraints, the defendant Sabrina VanHagen prevented, impeded, and obstructed the grievance process by having sabotaged plaintiff's efforts to file Appeal to CLRC.

#4. In an effort to protect the defendant's from civil and criminal liability, the defendant Sabrina VanHagen sanctioned, ratified, condoned and participated in deliberately obstructing the grievance process by



A. FIFTH CLASS CONTINUATION:

by tampering with plaintiff's grievance; and by not handling plaintiff's grievance in a manner prescribed by the Department of Correctional Services Directives on Inmate Grievance, defendant Sabrina Van Drogen violated plaintiff's right to seek redress of grievances, as guaranteed by the First Amendment, and, acting under color of state law, defendant have denied plaintiff the right to freely file a grievance.

#5 Section 1983 of Title 42 of the United States Code provides in pertinent part that:

EVERY PERSON WHO, UNDER COLOR OF ANY STATUTE, ORDINANCE, REGULATION, CUSTOM, OR USAGE, OF ANY STATE... SUBJECTS OR CAUSES TO BE SUBJECTED, ANY CITIZEN OF THE UNITED STATES OR OTHER PERSON WITHIN THE JURISDICTION THEREOF TO THE DEPRIVATION OF ANY RIGHTS, PRIVILEGES OR IMMUNITIES SECURED BY THE CONSTITUTION AND LAWS, SHALL BE LIABLE TO THE PARTY INJURED IN AN ACTION AT LAW, SUIT IN EQUITY, OR OTHER PROPER PROCEEDING FOR REDRESS...

#6 The First Amendment to the Constitution of the United States confers, among other things, the right to



3 of 3

A. FIFTH CLAIM CONTINUATION:

petition Government for redress of grievances.

# 7. The First Amendment is applicable to the States through Section 2 of the Fourteenth Amendment.

The Constitutional basis for this claim under 42 USC § 1983 is:

As a result of defendant's conduct, plaintiff has suffered deprivation of his Constitutional rights and is entitled to compensatory and punitive damages pursuant to 42 U.S.C. § 1983.

5. The approximate date the action was filed: N/A

6. What was the disposition of the case?

Is it still pending? Yes No

If not, give the approximate date it was resolved. N/A

Disposition (check the statements which apply):

Dismissed (check the box which indicates why it was dismissed):

N/A By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

N/A By court for failure to exhaust administrative remedies;

N/A By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

       By court due to your voluntary withdrawal of claim;

       Judgment upon motion or after trial entered for

N/A plaintiff

N/A defendant.

B. Have you begun any other lawsuits in federal court which relate to your imprisonment?

Yes No ✓

If Yes, complete the next section. NOTE: If you have brought more than one other lawsuit dealing with your imprisonment, use this same format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): N/A

Defendant(s): N/A

2. District Court: N/A

3. Docket Number: N/A

4. Name of District or Magistrate Judge to whom case was assigned: N/A

5. The approximate date the action was filed: N/A

6. What was the disposition of the case?

Is it still pending? Yes No

If not, give the approximate date it was resolved. N/A

Disposition (check the statements which apply):

☐ Dismissed (check the box which indicates why it was dismissed):

- ☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- ☐ By court for failure to exhaust administrative remedies;
- ☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- ☐ By court due to your voluntary withdrawal of claim;

☐ Judgment upon motion or after trial entered for

- ☐ plaintiff
- ☐ defendant.

### 5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include all possible claims.)

- |                    |                        |                               |
|--------------------|------------------------|-------------------------------|
| • Religion         | • Access to the Courts | • Search & Seizure            |
| • Free Speech      | • False Arrest         | • Malicious Prosecution       |
| • Due Process      | • Excessive Force      | • Denial of Medical Treatment |
| • Equal Protection | • Failure to Protect   | • Right to Counsel            |

**Please note that** it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

**Fed.R.Civ.P. 8(a)** states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995). **Fed.R.Civ.P. 10(b)** states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

### Exhaustion of Administrative Remedies

Note that according to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prison er confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must provide information about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must attach copies of any decisions or other documents which indicate that you have exhausted your remedies for each claim you assert in this action.

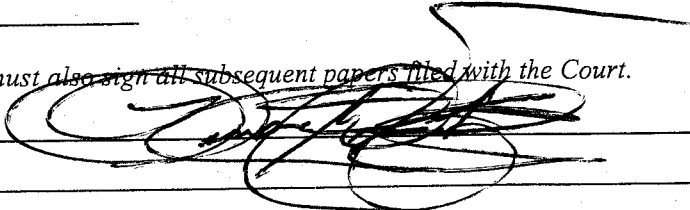
I declare under penalty of perjury that the foregoing is true and correct.

Executed on


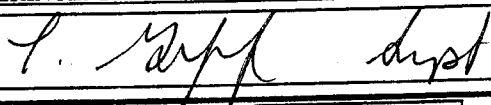
July 31, 2012

(date)

NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.

A handwritten signature in black ink, appearing to be "D. J. [unclear]", written over two horizontal lines.

Signature(s) of Plaintiff(s)

FORM (2133) STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  INMATE GRIEVANCE PROGRAM SUPERINTENDENT RESPONSE	<b>GRIEVANCE NUMBER</b> <b>SPT-53024-12</b>		<b>DATE FILED</b> <b>1/24/2012</b>
	<b>FACILITY</b> <b>SOUTHPORT</b>		<b>CLASS</b> <b>1</b>
	<b>TITLE OF GRIEVANCE</b> <b>Att.</b>		<b>CODE</b> <b>49</b>
	<b>SUPERINTENDENT'S SIGNATURE</b> 		<b>SUPT. DATE</b> <b>2-15-12</b>
<b>GRIEVANT</b> <b>Randolph, Leonard</b>	<b>DIN.#</b> <b>93-A-8824</b>	<b>HOUSING-UNIT</b> <b>B-1-1</b>	

Cell Location at time of grievance:

B-1-1

**DESCRIPTION OF PROBLEM**

Grievant alleges that he was assaulted by named officers during an exercise run.

**ACTION REQUESTED**

Grievant requests that staff be evaluated and corrected by Superintendent and Commissioner.

**SUPERINTENDENT'S RESPONSE**

Grievant's request is denied.

Upon full hearing of the facts and circumstances in the instant case, the action requested herein is hereby denied.

A thorough investigation of this grievance was conducted by an assigned security supervisor

Lt. S... interviewed the grievant on 1/25/12, at approximately 10:50 am, at his cell. He stood by his grievance as factual and offered no evidence and offered the inmate housed in A-3-21 as a witness to support his allegations. The inmate in A-3-21 was identified as McCracken 10B1018 who refused to testify. The alleges assault was documented as a Southport C.F. Use of Force #12-0006. Involved staff were identified as COs R..., R..., and Sgt. H....

Involved staff has submitted written statements, denying all allegations of this inmate and stand by their statements in the Use of Force packet. Sgt. H... states that he observed no additional force used other than that required to gain compliance. The force used was necessary and minimal. Officer G... states that he did not punch the grievant in the face or "prevent him from accomplishing his mission."

After review, I find no evidence to support grievant's allegations. As such, this grievance is baseless and is denied.

If you wish to refer the above decision of the Superintendent, please sign below and return to the Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal. An exception to the time limit may be requested under Directive 4040, Section 701.6(g). Please state why you are appealing this decision to CORC.

*I disagree with the Superintendent's decision, and that the grievant was assaulted by said officer's, including J. Gilbert the officers covered for Gilbert as though he was never*

*CONTINUE NEXT PAGE*

Grievant's Signature

Date

Date

Grievance Clerk's Signature

*Carbon Copy*

involved in the assault on grievant's person.

GRIEVANT's witness refused to testify for being under pressure, given the witness is housing in the same unit where those said officers is assigned.

The said officer's conduct of assault was planned and totally unnecessary. Grievant do not have assault on staff within his twenty years of incarceration. Also, according to the information shown on the "Use of Force Report", body hold was the only minimal force to prevent injury on staff.

But if this was the case, then how grievant's left side of his face get injured, along with his right ankle and lower right side, and prescribed medication for those injuries? Grievant was handcuffed "prior" to opening the cell door, aside from being directed to turn around with his back facing the said officers when the cell gate opened.

Moreover, the Superintendent and/or Executive staff made a tour in the block on January 17, 2012, when grievant was inside the shower. Grievant attempted to get their attention by calling out their name's. But they only made a tour on A1, and A2 gallery's and then departed out the block. This is unusual because they usually make a tour on all four gallery's. But on 1/17/12 it was as though they been informed

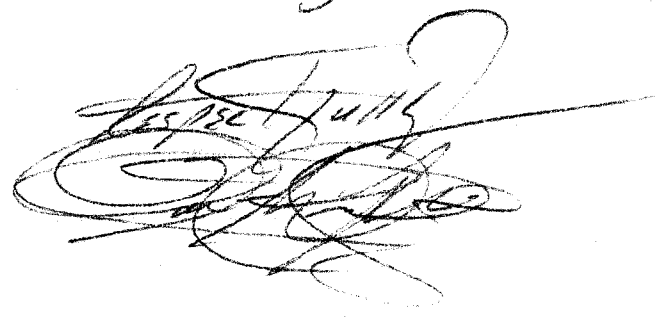


of the situation, so the Executive Team avoided touring A3 and A4 Galleries. Grievant was looking A3 Gallery where he was inside the shower with swollen face, etc. from being assaulted 1/2 minutes prior to their arrival.

The grievant direct CORC's attention to the "TITLE OF GRIEVANCE," and that the complaint indicate "Alleges Harassment." Grievant was assaulted not harassed. Ms. Sabrina Vanhagen is the IERC Supervisor. Grievant experiences ongoing problems with Vanhagen in the past concerning grievance matters. In this grievance issue, she has changed the title from assault as documented by grievant, to Alleges Harassment in order to reduce the impact of the event. See, additional grievance: SPT-53048-12, "Disputes Grievance Title", Filed 1/27/12. The said grievance is remotely related to this grievance.

Grievant note that inmate SHAWN EVANS, 11A0681 was assaulted 61 week prior by one of the officers that assaulted grievant. His grievance is titled "Allege Assault". Griev. No. SPT 53007-12, Code 49. This would be the correct title. Therefore, why did Vanhagen misrepresent my grievance. She should be fired or change assignment because she covers up for the misconduct by staff.

cc:

Respectfully,  


Pending file

## STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

## DISBURSEMENT OR REFUND REQUEST

CELL LOCATION

NAME

*Leonard Randolph*

DATE

*July 30,*

20

*12*

CODE TYPE

--	--	--

INMATE NUMBER

93A8824

"SHORT NAME"

LRAN

FIRST INITIAL

FIRST 3 OF LAST NAME

CHECK/ORDER NUMBER

--	--	--	--	--	--

RIGHT ADJUSTED WITH LEADING ZEROS

COMMISSARY PRODUCT GROUP

☐

AMOUNT \$

~~XXXXXX~~ 4.00

*Authorized Advance  
is requested if  
needed.*

SENT TO CODE  
(SEE TABLE B-6)
☐
ITEM  
DESCRIPTION*PHOTO'S**FOEL Request*

LAST NAME

FIRST NAME

MI

SUFF

ADDRESS

APT. NO.

SENT TO OR  
PURCHASE FROM

CITY

STATE

ZIP CODE

APPROVED

*T. Spear*

(SOURCE AREA)

DATE

*7/30/12*

APPROVED

(BUSINESS OFFICE)

DATE

I HEREBY ACKNOWLEDGE EXPENDITURE OF THE  
AMOUNT TO BE DEDUCTED FROM MY INMATE  
ACCOUNT.

*[Signature]*

INMATE SIGNATURE

To: Mrs. J. Phillips, F.O.I.L. Officer

From: Mr. Leonard Randolph

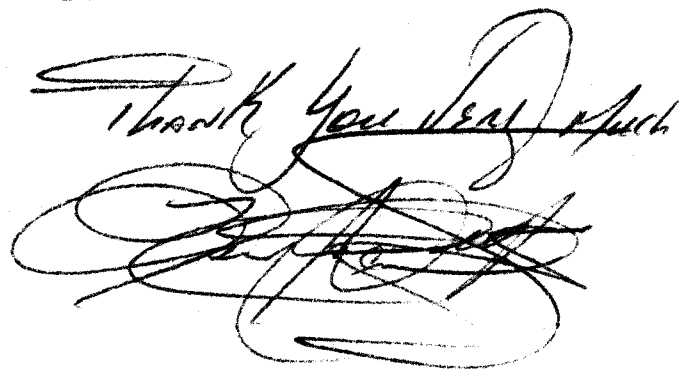
93A8824, C2-5, Special Housing Unit  
Southport Corr. Facility

Date: July 30, 2012

Re: 4-35mm photographs and 4-photograph  
of EXCESSIVE FORCE dated JAN. 17, 2012

Dear Mrs. Phillips

PLEASE find attached a  
disbursement authorizing \$4.00 be deducted from  
my account balance, to cover the above requested.  
I don't know if authorized advance for funds would  
apply to this matter, but I need the photographs, and  
need to make copies of the pictures.

Thank You Very Much  


cc:  
pending file.

State of New York- Department of Correctional Services

SOUTHPORT CORRECTIONAL FACILITY  
INTERDEPARTMENTAL COMMUNICATION

TO: Randolph, Leonard 93A8824 C-2-5  
FROM: V. PHILLIPS-F.O.I.L. OFFICE/INMATE RECORDS COORDINATOR II V. Phillips cu  
SUBJECT: FREEDOM OF INFORMATION LAW REQUEST  
DATE: 7/31/12

- ☐ This memorandum will acknowledge your Freedom of Information Law request received today. Your request is being handled.
- ☐ Photocopying costs are \$0.25/page and \$1.50/audio tape. Please submit a signed disbursement form.
- ☐ I have received your request; however, I do not know precisely what you are requesting. Please provide clarification.
- ☐ The Freedom of Information Law governs access to existing records. Our review indicates the records you requested do not exist in our files.
- ☐ Pursuant to the Freedom of Information Law, the records you requested are predecisional, interagency material and are exempt from disclosure; therefore, your request is DENIED.
- ☐ Pursuant to the Freedom of Information Law, the records you requested are evaluative and are exempt from disclosure; therefore, your request is DENIED.
- ☐ Your disbursement form has been/will be processed in the amount of \$ \_\_\_\_\_. Pursuant to F.O.I.L., the records you requested are enclosed.
- ☒ Due to insufficient funds, your request cannot be processed.
- ☒ You may not use an Advanced Request form to purchase F.O.I.L. documents.
- ☐ Your disbursement is being returned as it has not been properly authorized.
- ☐ RAP Sheets must be obtained from the Division of Criminal Justice Services, Bureau of Investigation & Criminal History Opers., Executive Park Tower, Stuyvesant, Albany, NY 12203
- ☐ Enclosed is a printout of: \_\_\_\_\_ discipline history \_\_\_\_\_ time computation \_\_\_\_\_ visitor list  
\_\_\_\_\_ Other: \_\_\_\_\_
- ☐ Your request has been forwarded to your Counselor for your review.
- ☐ F.O.I.L. does not require that we answer questions and/or do research, only provide specifically requested documents, providing that they exist.
- ☐ Your request has been forwarded to \_\_\_\_\_
- ☐ You have been added to the list to review your hearing tapes.
- ☒ write back when you have money in your account.